

REMARKS

By this amendment, claim 1 is being resubmitted in unamended form, and new claims 2-8 are being submitted for consideration in view of the following remarks.

Anticipation may be established only when a single prior art reference discloses, expressly or under principles of inherency, each and every element of a claimed invention. RCA Corp. v. Applied Digital Data Systems, 730 F.2d 1440, 1444, 221 USPQ 385, 388 (Fed. Cir. 1984). Moreover, anticipation requires the presence of all elements of a claimed invention as arranged in the claim, such that a disclosure "that 'almost' meets that standard does not 'anticipate'." Connell v. Sears, Roebuck Co., 722 F.2d 1542, 1548, 220 USPQ 193, 198 (Fed. Cir. 1983).

In this case, the Examiner states that Kar et al. disclose "an optoelectric sensor operative to output an electric signal as a function of the physical attribute (column 4, lines 21-23)." This is not, however, what the cited passage of the '327 patent discloses. Rather, the patent simply states that "the invention can be connected to a visual feature and geometry recognition system which records, examines, slices, and runs the computer controlled system for parts creation." This has *nothing to do* with an optoelectric sensor operative to output an electric signal as a function of a physical attribute, the physical attribute being associated with a deposit in a laser-melted pool. Whatever column 4, lines 20-23 of the '327 patent teach, this section does not teach one of the elements of Applicant's invention as claimed.

The Examiner also states that Kar et al. disclose "a feedback controller operative to automatically adjust the rate of material deposition as a function of the electrical signal (column 6, line 63 to column 7, line 13)." Again, this is not what the reference teaches. Rather, column 6, line 63 to column 7, line 13 of the '327 patent simply describes an overview of the system with various components, discussing hardware and software, with no mention being made of feedback control, automatic adjustment of material deposition, or the use of an electrical or optical system as the basis for a closed-loop configuration. Accordingly, the limitations of claim 1 are not read in entirety in Kar et al. and anticipation is expressly precluded.

Based upon the foregoing, Applicant submits that all pending claims are in condition for allowance. Questions regarding this application may be directed to the undersigned attorney at the telephone/facsimile numbers provided.

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Respectfully submitted,

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